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CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ISMAEL DIAZ HERNANDEZ; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74663

Agency Nos. A75-301-663

A75-301-662

A75-301-661

A75-301-660

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted November 8, 2005^{**}

Before: WALLACE, LEAVY, and BERZON, Circuit Judges.

Ismael Diaz Hernandez, his wife, Yolanda Orozco Diaz, and their children,
Luis Fernando Orozco Diaz and Marcos Ismael Orozco Diaz, citizens and natives
of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

summarily affirming an immigration judge's ("IJ") orders denying their applications for asylum and withholding of removal. We dismiss the petition for review for lack of jurisdiction.

Petitioners contend the IJ erred in denying their applications for asylum and withholding of removal because they have established a well-founded fear of future persecution in Mexico on the basis of an imputed political opinion. We lack jurisdiction to consider this contention because the petitioners failed to raise it before the BIA and, thus, failed to exhaust their administrative remedies. *See Zara v. Ashcroft*, 383 F.3d 927, 931 (9th Cir. 2004).

The voluntary departure period was stayed, and that stay will expire upon issuance of the mandate. *See Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004).

The clerk shall amend the docket to reflect that respondent's brief filed on July 18, 2005 was served on petitioner on August 19, 2005.

PETITION FOR REVIEW DISMISSED.